



14 JAN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

SMITH-HILL AND BEDELL  
12670 N W BARNES ROAD  
SUITE 104  
PORTLAND, OR 97229

In re Application of MERCHANT	:	
U.S. Application No.: 10/507,528	:	
PCT Application No.: PCT/GB03/00725	:	
Int. Filing Date: 20 February 2003	:	DECISION
Priority Date Claimed: 09 March 2002	:	
Attorney Docket No.: SWIN 3151	:	
For: IMAGE CAPTURE AND RETRIEVAL	:	
APPARATUS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 September 2004.

**BACKGROUND**

On 20 February 2003, applicant filed international application PCT/GB03/00725, which claimed priority of an earlier United Kingdom application filed 09 March 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 18 September 2003. The thirty-month period for paying the basic national fee in the United States expired on 09 September 2004.

International application PCT/GB03/00725 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 September 2004, applicant filed the present petition under 37 CFR 1.137(b).

**DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 February 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 September 2004.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459